

1
2
3
4
5
6
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 **LARRY DEAN PADILLA,**

12 Plaintiff,

CASE NO. C 06-1725 MJJ

13 v.

14 **M. S. EVANS,**

15 Defendants.

[PROPOSED] ORDER
GRANTING DEFENDANTS'
MOTION TO DISMISS

16
17 The Court has considered all supporting and opposing arguments regarding Defendant M.S.
18 Evans's Motion to Dismiss. The Court finds that Plaintiff did not exhaust his administrative
19 remedies as required by 42 U.S.C. § 1997e(a). Accordingly, Defendant's Motion to Dismiss is
20 Granted and all claims are dismissed without prejudice, except for Plaintiff's claims for denial of
21 exercise during January 2005.

22
23 IT IS SO ORDERED.

24
25 Dated: _____

26 _____
27 The Honorable Martin Jenkins
28 United States District Court Judge